

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Marlon Hamilton v. AMO TRUCKING, LLC, Mursal Kulmie

Case Number 49D06-2203-CT-008801
Court Marion Superior Court 6
Type CT - Civil Tort
Filed 03/18/2022
Status 03/18/2022 , Pending (active)

Parties to the Case

Defendant AMO TRUCKING, LLC

Attorney

Matthew K. Phillips
#2872449, Lead, Retained

6801 Gray RD
STE H
Indianapolis, IN 46237
317-362-0225(W)

Attorney

Christopher R Whitten
#2042949, Retained

WHITTEN LAW OFFICE LLC
6801 Gray Road, Suite H
Indianapolis, IN 46237
317-362-0225(W)

Defendant Kulmie, Mursal

Attorney

Matthew K. Phillips
#2872449, Lead, Retained

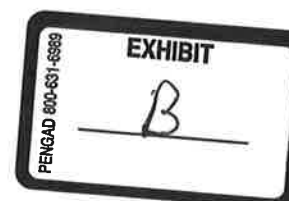
6801 Gray RD
STE H
Indianapolis, IN 46237
317-362-0225(W)

Attorney

Christopher R Whitten
#2042949, Retained

WHITTEN LAW OFFICE LLC
6801 Gray Road, Suite H
Indianapolis, IN 46237
317-362-0225(W)

Plaintiff Hamilton, Marlon



Attorney

Michael E. Simmons

#13649, Retained

HUME SMITH GEDDES GREEN & SIMMONS LLP

54 Monument Circle

4th Floor

Indianapolis, IN 46204

317-632-4402(W)

Chronological Case Summary

03/18/2022 **Case Opened as a New Filing**

03/18/2022 **Complaint/Equivalent Pleading Filed**

Complaint for Damages

Filed By: Hamilton, Marlon

File Stamp: 03/18/2022

03/18/2022 **Appearance Filed**

Appearance

For Party: Hamilton, Marlon

File Stamp: 03/18/2022

03/18/2022 **Subpoena/Summons Filed**

Summons

Filed By: Hamilton, Marlon

File Stamp: 03/18/2022

03/18/2022 **Subpoena/Summons Filed**

Summons

Filed By: Hamilton, Marlon

File Stamp: 03/18/2022

03/29/2022 **Motion to Withdraw Appearance Filed**

Motion to Withdraw and Notice of Attorney Lien

Filed By: Hamilton, Marlon

File Stamp: 03/29/2022

04/01/2022 **Order Granting Motion to Withdraw Appearance**

Judicial Officer: Eisgruber, Kurt

Order Signed: 04/01/2022

04/08/2022 **Appearance Filed**

Appearance

For Party: Hamilton, Marlon

File Stamp: 04/08/2022

04/11/2022 **Appearance Filed**

Amended Appearance for Plaintiff

For Party: Hamilton, Marlon

File Stamp: 04/11/2022

04/20/2022 **Certificate of Issuance of Summons**
 Certificate Of Issuance Of Summons to Mursal Kulmie
 Filed By: Hamilton, Marlon
 File Stamp: 04/20/2022

04/20/2022 **Certificate of Issuance of Summons**
 Certificate Of Issuance Of Summons to AMO Trucking
 Filed By: Hamilton, Marlon
 File Stamp: 04/20/2022

05/10/2022 **Certified Mail Returned**
 GREEN CARD SIGNED.
 Party Served: Kulmie, Mursal

05/18/2022 **Appearance Filed**
 Appearance of Christopher Whitten and Matthew Phillips
 For Party: AMO TRUCKING, LLC
 For Party: Kulmie, Mursal
 File Stamp: 05/18/2022

05/18/2022 **Motion for Enlargement of Time Filed**
 Motion for Enlargement of Time
 Filed By: AMO TRUCKING, LLC
 Filed By: Kulmie, Mursal
 File Stamp: 05/18/2022

05/18/2022 **Order Granting Motion for Enlargement of Time**
 Judicial Officer: Eisgruber, Kurt
 Order Signed: 05/18/2022

05/19/2022 **Automated ENotice Issued to Parties**
 Order Granting Motion for Enlargement of Time ---- 5/18/2022 : Christopher R Whitten;Matthew K. Phillips;Michael E. Simmons

06/27/2022 **Answer Filed**
 Answer, Affirmative Defenses and Demand for Jury Trial
 Filed By: AMO TRUCKING, LLC
 Filed By: Kulmie, Mursal
 File Stamp: 06/27/2022

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Hamilton, Marlon

Plaintiff

Balance Due (as of 06/27/2022)

0.00

Charge Summary

Description	Amount	Credit	Payment
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Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
03/18/2022	Transaction Assessment	157.00
03/18/2022	Electronic Payment	(157.00)

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49D06-2203-CT-008801

Marion Superior Court 6

Filed: 3/18/2022 8:15 AM
Clerk
Marion County, Indiana

STATE OF INDIANA	)	IN THE MARION SUPERIOR COURT
	) SS:	CIVIL DIVISION, ROOM NO:
COUNTY OF MARION	)	CAUSE NO:
MARLON HAMILTON,)	
)	
Plaintiff,)	
)	
vs.)	
)	
AMO TRUCKING, LLC, and)	
MURSAL KULMIE,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, MARLON HAMILTON, (hereinafter "HAMILTON"), by Counsel, and for a cause of action against the Defendants, AMO TRUCKING, LLC, (hereinafter "AMO"), and MURSAL KULMIE, (hereinafter "KULMIE"), and states:

1. That HAMILTON, at all times relevant and material to this action, resided in Marion County, in the city of Indianapolis, State of Indiana.
2. That AMO, at all times relevant and material to this action, was a foreign for-profit limited liability company with a principal business address in Franklin County, in the City of Columbus, State of Ohio and doing business in Marion County, in the city of Indianapolis, State of Indiana.
3. That KULMIE, at all times relevant and material to this action, resided in Franklin County in the City of Columbus, State of Ohio.
4. That on August 14, 2021, at approximately 6:43 a.m., HAMILTON was operating a white 2004 Pontiac Grand Prix automobile and traveling eastbound in the left-hand lane of Interstate 70 Eastbound nearest the 72.6 mile marker in the County of Marion, City of Indianapolis, State of Indiana.

5. That also at the same time, KULMIE, was the driver of a white 2016 Peterbuilt 579 Semi-tractor, which was traveling eastbound in the right-hand lane of Interstate 70 Eastbound nearest the 72.6 mile marker in the County of Marion, City of Indianapolis, State of Indiana.

6. That at all times relevant and material to this action, the white 2016 Peterbuilt 579 Semi-tractor, which was being operated by KULMIE was owned by and registered to AMO.

7. That as HAMILTON was traveling as aforesaid, suddenly and without warning, KULMIE entered the left-hand travel lane, which was occupied by HAMILTON and crashed into the vehicle being operated by HAMILTON, thereby causing a collision with the vehicle HAMILTON was driving.

8. That at said place and time, KULMIE breached the applicable duty of care and was careless and negligent and/or reckless in one or more of the following ways:

- a. He failed to operate his vehicle in a careful and prudent manner;
- b. He failed to keep proper control of his vehicle so as to avoid the collision;
- c. He failed to keep a look out for other vehicular traffic so as to avoid a collision with said vehicle;
- d. He attempted to merge and/or to change travel lanes without first making certain that his intended lane was clear of other vehicles in violation of the Indiana Code;
- e. He made an unsafe lane movement in violation of the Indiana Code;
- f. He was operating his vehicle at an excessive speed such that he was unable to bring his vehicle to a stop and avoid a collision with the vehicle being operated by HAMILTON, in violation of the Indiana Code;
- g. He was otherwise careless or negligent which caused the collision with the vehicle being operated by the Plaintiff, HAMILTON.

9. That as a result of the collision, HAMILTON sustained injuries and was required to engage in the medical care and treatment of doctors, hospitals, therapists and x-ray

technicians, thereby incurring medical expenses.

10. That as a result of the injuries sustained causally related to the collision, HAMILTON was unable to work for a period of time and thereby lost wages, income and/or time from his employment.

11. That as a result of the collision, HAMILTON sustained property damage to the vehicle that he was operating.

12. That due to the negligence and carelessness of KULMIE, as aforesaid, HAMILTON, has been damaged.

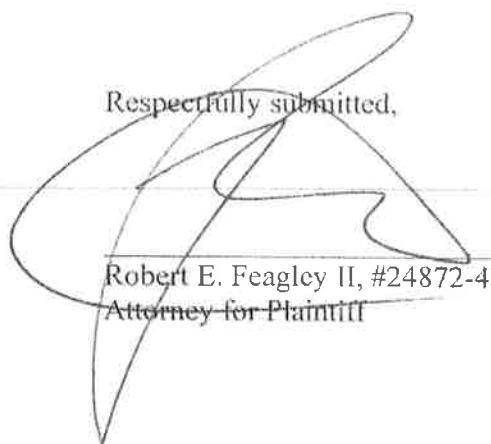
13. That at all times relevant and material hereto, KULMIE was acting as an employee, agent, servant and/or representative of his employer, AMO.

14. That AMO is liable to HAMILTON, for the negligence and damages caused by the actions of its employee, agent, servant and/or representative KULMIE, which were performed within the scope of his agency or employment with AMO through respondeat superior.

15. That due to the negligence and carelessness of AMO, as aforesaid, HAMILTON, has been damaged.

WHEREFORE, Plaintiff, MARLON HAMILTON, by Counsel, hereby respectfully requests that the Court enter an Order of judgment for the Plaintiff, award monetary damages in an amount commensurate with his damages, costs of this action, prejudgment interest, post-judgment interest and all other just and proper relief within the premises.

Respectfully submitted,



Robert E. Feagley II, #24872-49
Attorney for Plaintiff

Robert E. Feagley II
LEE, COSSELL & CROWLEY, LLP.
151 N. Delaware St., Suite 1500
Indianapolis, IN 46204
(317) 631-5151 phone
(317) 624-4561 facsimile
bfeagley@nleelaw.com

49D06-2203-CT-008801

Marion Superior Court 6

Filed: 3/18/2022 8:15 AM

Clerk

Marion County, Indiana

STATE OF INDIANA	)	IN THE MARION SUPERIOR COURT
	) SS:	CIVIL DIVISION, ROOM NO:
COUNTY OF MARION	)	CAUSE NO:
MARLON HAMILTON,)	
)	
Plaintiff,)	
)	
vs.)	
)	
AMO TRUCKING, LLC, and)	
MURSAL KULMIE,)	
)	
Defendants.)	

APPEARANCE BY ATTORNEY IN CIVIL CASE**Party Classification:** Initiating

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

MARLON HAMILTON.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name:	Robert E. Feagley II	Atty Number: 24872-49
Address:	LEE, COSSELL & CROWLEY, LLP	
	151 N. Delaware Street	Phone: (317) 631-5151
	Suite 1500	Fax: (317) 624-4561
	Indianapolis, Indiana 46204	Computer Address: bfeagley@nleelaw.com

3. There are other party members: No

4. If first initiating party filing this case, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): CT

5. I will accept service by FAX at the above number: No
6. This case involves support issues: No
7. There are related cases: No
8. This form has been served on all other parties, Certificate of Service is attached:
9. Additional information required by local rules:

DATED: 3/18/2022



Robert E. Feagley II, #24872-49

Robert E. Feagley II
LEE, COSSELL & CROWLEY, LLP.
151 N. Delaware St., Suite 1500
Indianapolis, IN 46204
(317) 631-5151 phone
(317) 624-4561 facsimile
bfeagley@nleelaw.com

49D06-2203-CT-008801

Filed: 3/18/2022 8:15 AM

Clerk

Marion County, Indiana

Marion Superior Court

SUMMONS

STATE OF INDIANA)
) SS: IN THE MARION SUPERIOR COURT
 COUNTY OF MARION) CIVIL DIVISION, ROOM NO:
) CAUSE NO:

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC, and
MURSAL KULMIE,

Defendants.

TO DEFENDANT: (Name) ABDIRISAQ YUSUF
 c/o AMO TRUCKING, LLC
 (Address) 5900 Roche Dr. #315
 Columbus, OH 43229

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950)

Dated **3/18/2022**

Clerk, Marion County Superior Court

(Seal)

(The following manner of service of summons is hereby designated.)

Registered or certified mail.

Service at place of employment, to-wit

Service on individual -- (Personal copy) at above address.

X

Service on agent. (Specify) Certified mail to registered agent.

Other service. (Specify)



Robert E. Feagley II, 24872-49

Attorney for Plaintiff

LEE, COSSELL & CROWLEY, LLP,

151 N. Delaware St., Suite 1500

Indianapolis, IN 46204

(317) 631-5151 phone

(317) 624-4561 facsimile

bfeagley@nleelaw.com

STATE OF INDIANA)
) SS: IN THE MARION SUPERIOR COURT
COUNTY OF MARION) CIVIL DIVISION, ROOM NO:
 CAUSE NO:

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC, and
MURSAL KULMIE,

Defendants.

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) By leaving a copy of the Summons and a copy of the complaint at

which is the dwelling place or usual place of abode of _____
and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this
Summons and a copy of the complaint to the defendant, _____, by _____
mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, _____ Court

Dated: _____

By: _____

Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a
copy of the complaint mailed to defendant _____ was accepted by the defendant on the
_____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a
copy of the complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a
copy of the complaint mailed to defendant _____ was accepted by _____
on behalf of said defendant on the _____ day of _____, 20____.

Clerk, _____ Court

By: _____

Deputy

49D06-2203-CT-008801

Filed: 3/18/2022 8:15 AM
Clerk
Marion County, IndianaMarion Superior Court
SUMMONS

STATE OF INDIANA)
) SS: IN THE MARION SUPERIOR COURT
COUNTY OF MARION) CIVIL DIVISION, ROOM NO:
) CAUSE NO:

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC, and
MURSAL KULMIE,

Defendants.

TO DEFENDANT: (Name) MURSAL KULMIE
(Address) 3243 Indian Head Ct.
Columbus, OH 43224

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950)

Dated 3/18/2022

Myra A. Edwards

(Seal)

Clerk, Marion County Superior Court

(The following manner of service of summons is hereby designated.)

X Registered or certified mail.

Service at place of employment, to-wit:

Service on individual -- (Personal or copy) at the residence of the individual.

Service on agent. (Specify) Certified Mail to registered agent.

Other service. (Specify)



Robert E. Feagley II, 24872-49
Attorney for Plaintiff
LEE, COSSELL & CROWLEY, LLP.
151 N. Delaware St., Suite 1500
Indianapolis, IN 46204
(317) 631-5151 phone
(317) 624-4561 facsimile
bfeagley@nleelaw.com

STATE OF INDIANA)
) SS: IN THE MARION SUPERIOR COURT
 COUNTY OF MARION) CIVIL DIVISION, ROOM NO:
 CAUSE NO:

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC, and
 MURSAL KULMIE,

Defendants.

SHERIFF'S RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20____;

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant,

(2) By leaving a copy of the Summons and a copy of the complaint at

which is the dwelling place or usual place of abode of _____
 and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____

Sheriff's Costs

Sheriff

By: _____

Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this
 Summons and a copy of the complaint to the defendant, _____, by _____
 mail, requesting a return receipt, at the address furnished by the plaintiff.

Clerk, _____ Court

Dated: _____

By: _____

Deputy

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a
 copy of the complaint mailed to defendant _____ was accepted by the defendant on the
 _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a
 copy of the complaint was returned not accepted on the _____ day of _____, 20____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a
 copy of the complaint mailed to defendant _____ was accepted by _____
 on behalf of said defendant on the _____ day of _____, 20____.

Clerk, _____ Court

By: _____

Deputy

STATE OF INDIANA	)	IN THE MARION SUPERIOR COURT
	) SS:	CIVIL DIVISION, ROOM NO: 6
COUNTY OF MARION	)	CAUSE NO: 49D06-2203-CT-008801

MARLON HAMILTON,)
)
Plaintiff,)
)
vs.)
)
AMO TRUCKING, LLC, and)
MURSAL KULMIE,)
)
Defendants.)

VERIFIED MOTION TO WITHDRAW APPEARANCE
AND NOTICE OF ATTORNEY LIEN

Come now Robert E. Feagley II, and the law firm of LEE, COSSELL & CROWLEY, LLP, as counsel and for their Motion to Withdraw would show the Court as follows:

1. That on March 28, 2022, the plaintiff MARLON HAMILTON called the law office of LEE, COSSELL & CROWLEY, LLP and advised that he was terminating the services of our law firm.

2. That on today's date the undersigned sent confirmation to the Plaintiff via e-mail message (marlonhamilton25@gmail.com), of receipt of his notice of termination, and advised the plaintiff of the pending Cause in this Court, providing the cause number and advised that there are currently no pending trial date or deadlines.

3. That the Plaintiff's last provided address, telephone number and e-mail address are as follows:

Marlon Hamilton, 2111 West 76th Street, Indianapolis, IN 46260, (317) 737-6088;
marlonhamilton25@gmail.com.

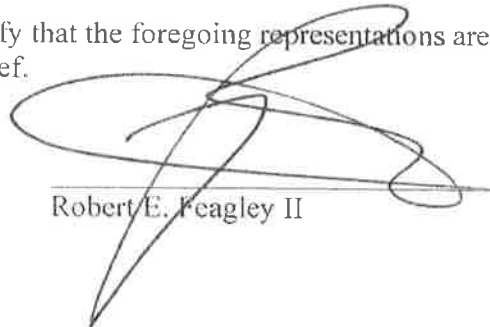
4. That there currently are no pending dates or deadlines in this cause.
5. That the undersigned has advised Plaintiff of the need for him to seek new counsel.
6. That the undersigned counsel requests that this honorable Court grant him permission to withdrawal as the counsel of record for the Plaintiff.
7. That the undersigned counsel request the Court take notice that he and/or the law firm of LEE, COSSELL & CROWLEY, LLP are maintaining an attorney lien against this claim for the work performed and costs and expenses up-fronted to date on this matter.

WHEREFORE, Counsel prays the Court permit and authorize him to withdrawal as counsel for Plaintiff and take notice of the claimed attorney lien for work performed and expenses and costs upfronted to-date, and for all other relief just and proper in the premises.

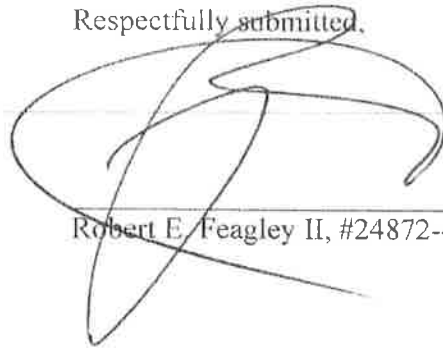
VERIFICATION

I the undersigned counsel do hereby verify that the foregoing representations are true and accurate to the fullest of my knowledge and belief.

3/29/22
Date:


Robert E. Feagley II

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Robert E. Feagley II, #24872-49

Robert E. Feagley II
LEE, COSSELL & CROWLEY, LLP.
151 N. Delaware Street, Suite 1500
Indianapolis, IN 46204
(317) 631-5151 Phone
(317) 624-4561 Fax
bfeagley@nleelaw.com

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CIVIL DIVISION, ROOM NO: 6
CAUSE NO: 49D06-2203-CT-008801

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC, and
MURSAL KULMIE,

Defendants.

FILED
April 1, 2022
CLERK OF THE COURT
MARION COUNTY
BC

ORDER

Come now, Robert E. Feagley II, and the law firm of LEE, COSSELL & CROWLEY, LLP, and having filed their motion to withdraw as counsel for the plaintiff and the Court having read and examined said cause and being duly advised therein, now finds that the same is in order. IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED, that attorney Robert E. Feagley II, and the law firm of LEE, COSSELL & CROWLEY, LLP's appearance is hereby withdrawn on behalf of the plaintiff, and this Court takes notice of attorney Robert E. Feagley and the law firm of LEE, COSSELL & CROWLEY, LLP's claimed lien for attorney fees earned and expenses upfronted in this matter. ALL OF WHICH IS ORDERED THIS

April 1, 2022


JUDGE, Marion County Superior Court 6

Distribution to:

Robert E. Feagley II, LEE, COSSELL & CROWLEY, LLP., 151 N. Delaware Street, Suite
1500, Indianapolis, IN 46204, bfeagley@nleelaw.com

STATE OF INDIANA)
) SS:
COUNTY OF MARION) CAUSE NO. 49D06-2203-CT-8801

MARLON HAMILTON,)
)
 Plaintiff,)
)
 v.)
)
AMO TRUCKING, LLC and)
MURSAL KULMIE,)
)
 Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

1. The party on whose behalf this form is being filed is:

Initiating: X Responding: Intervening: ; and

The undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of Party: **Plaintiff, Natasha Mendelsohn**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name: **Michael E. Simmons** Attorney No.: **136-49**
 HUME SMITH GEDDES GREEN Phone: **(317) 632-4402**
 & SIMMONS, LLP Fax: **(317) 632-5595**
Address: **54 Monument Circle, 4th Floor**
 Indianapolis, Indiana 46204
 msimmons@humesmith.com
 jlitton@humesmith.com

Name: **Nick Bennett** Attorney No.: **31883-49**
 LAW OFFICE OF NICK BENNETT Phone: **(317) 643-8486**
 120 East Market Street, Suite 601
 Indianapolis, Indiana 46204
 nick@nickbennettlaw.com

Each attorney specified on this Appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
 - (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
 - (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).
3. This is a civil tort case type as defined in administrative Rule 8(B)(3).
4. I will accept service from other parties by:
FAX at the above noted number: Yes ____ No X
Email at the above noted number: Yes ____ No X
5. This case involves child support issues: Yes ____ No X
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. Yes ____ No X
7. This case involves a petition for involuntary commitment. Yes ____ No X
8. There are related cases: Yes ____ No X
9. Additional information required by local rule: N/A
10. This form has been served on all other parties and Certificate Of Service is attached:
Yes X No ____

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons
HUME SMITH GEDDES GREEN & SIMMONS, LLP
Attorney No. 136-49
54 Monument Circle, 4th Floor
Indianapolis, Indiana 46204
Telephone: (317) 632-4402
Facsimile: (317) 632-5595
msimmons@humesmith.com
jlitton@humesmith.com

Nick Bennett
LAW OFFICE OF NICK BENNETT
Attorney No. 31883-49
120 East Market Street, Suite 601
Indianapolis, Indiana 46204
Telephone: (317) 643-8486
nick@nickbennettlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2022, I electronically filed the foregoing with the Clerk of the Court. I further certify that I E-served using the E-file system the following:

Robert E. Feagley, II
LEE, COSSELL & CROWLEY, LLP
151 North Delaware Street, Suite 1500
Indianapolis, Indiana 46204
bfeagley@nleelaw.com

/s/Michael E. Simmons

Name: Nick Bennett Attorney No.: 31883-49
LAW OFFICE OF NICK BENNETT Phone: (317) 643-8486
 120 East Market Street, Suite 601
 Indianapolis, Indiana 46204
nick@nickbennettlaw.com

Each attorney specified on this Appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
 - (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
 - (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).
3. This is a civil tort case type as defined in administrative Rule 8(B)(3).
4. I will accept service from other parties by:
FAX at the above noted number: Yes ____ No X
Email at the above noted number: Yes ____ No X
5. This case involves child support issues: Yes ____ No X
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order. Yes ____ No X
7. This case involves a petition for involuntary commitment. Yes ____ No X
8. There are related cases: Yes ____ No X
9. Additional information required by local rule: N/A
10. This form has been served on all other parties and Certificate Of Service is attached:
Yes X No ____

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons
HUME SMITH GEDDES GREEN & SIMMONS, LLP
Attorney No. 136-49
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nick@nickbennettlaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2022, I electronically filed the foregoing with the Clerk of the Court. I further certify that I E-served using the E-file system the following:

Robert E. Feagley, II
LEE, COSSELL & CROWLEY, LLP
151 North Delaware Street, Suite 1500
Indianapolis, Indiana 46204
bfeagley@nleelaw.com

/s/Michael E. Simmons

STATE OF INDIANA)
) SS:
COUNTY OF MARION) CAUSE NO. 49D06-2203-CT-8801

MARLON HAMILTON,)
)
 Plaintiff,)
)
 v.)
)
AMO TRUCKING, LLC and)
MURSAL KULMIE,)
)
 Defendants.)

CERTIFICATE OF ISSUANCE OF SUMMONS

The undersigned hereby certifies that pursuant to the Indiana Rules Of Trial Procedure, service of the Complaint or equivalent pleading and Summons was attempted on the following Defendant at the address noted below

Name: Mursal Kulmie
Address: 3243 Indian Head Court
City, State, Zip Code: Columbus, Ohio 43224

Service was attempted or requested by:

☒ Certified Mail or registered Mail with Return Receipt Requested

Tracking Number: 7020 0090 0002 2363 6372

Date Mailed: April 20, 2022

☐ Sheriff of _____ County, Indiana. Service documents were delivered to said Sheriff on the date of _____ and services of process fees were paid.

☐ Other: _____

Date: April 20, 2022

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons
HUME SMITH GEDDES GREEN & SIMMONS, LLP
Attorney No. 136-49
54 Monument Circle, 4th Floor
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nick@nickbennettlaw.com

Attorneys for Plaintiff

STATE OF INDIANA)
) SS:
COUNTY OF MARION) CAUSE NO. 49D06-2203-CT-8801

MARLON HAMILTON,)
)
 Plaintiff,)
)
v.)
)
AMO TRUCKING, LLC and)
MURSAL KULMIE,)
)
 Defendants.)

CERTIFICATE OF ISSUANCE OF SUMMONS

The undersigned hereby certifies that pursuant to the Indiana Rules Of Trial Procedure, service of the Complaint or equivalent pleading and Summons was attempted on the following Defendant at the address noted below

Name: Abdirisag Yusuf
 c/o AMO Trucking, LLC

Address: 5900 Roche Drive, #315

City, State, Zip Code: Columbus, Ohio 43229

Service was attempted or requested by:

☒ Certified Mail or registered Mail with Return Receipt Requested

Tracking Number: 7020 0090 0002 2363 6389

Date Mailed: April 20, 2022

☐ Sheriff of _____ County, Indiana. Service documents were delivered to said Sheriff on the date of _____ and services of process fees were paid.

☐ Other: _____

Date: April 20, 2022

Respectfully submitted,

/s/Michael E. Simmons

Michael E. Simmons
HUME SMITH GEDDES GREEN & SIMMONS, LLP
Attorney No. 136-49
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jlitton@humesmith.com

Nick Bennett
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nick@nickbennettlaw.com

Attorneys for Plaintiff

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mursal Kulmie 3243 Indian Head Court Columbus, Ohio 43224</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent</p> <p><i>Mursal Kulmie</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below: _____</p>	
<p>2. Article Number (Transfer from carrier label)</p> <p>9590 9402 7026 1225 4786 24</p> <p>7020 0090 0002 2363 6372</p> <p>PS Form 3811 July 2000 PSN 7529-00-000-0000</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Mail (over \$500)</p>	

Domestic Delivery Only

USPS TRACKING #



9590 9402 7026 1225 4786 24

**United States
Postal Service**



First-Class Mail
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Clerk of Marion County Superior
Court 6
City-County Building
200 East Washington Street
Indianapolis, Indiana 46204

49006-2203-CT-8801



STATE OF INDIANA)	
	)	SS:
COUNTY OF MARION	)	CAUSE NO.: 49D06-2203-CT-008801
MARLON HAMILTON,)	
)	
Plaintiff,)	
)	
vs.)	
)	
AMO TRUCKING, LLC and)	
MURSAL KULMIE,)	
)	
Defendants.)	

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: **Defendants**

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

AMO Trucking, LLC and Mursal Kulmie

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Christopher R. Whitten, Attorney No. 20429-49
Matthew K. Phillips, Attorney No. 28724-49
WHITTEN LAW OFFICE LLC
6801 Gray Road, Suite H
Indianapolis, IN 46237
(317) 362-0225 Telephone
(317) 362-0151 Facsimile
cwhitten@indycounsel.com
mphillips@indycounsel.com

3. There are other party members: No.

4. If first initiating party filing this case, the Clerk is required to assign this case the following Case Type under Administrative Rule 8(b)(3): N/A.

5. I will accept service by FAX at the above noted number: No.

6. This case involves support issues. No. (If yes, supply social security number for all family members).

7. There are related cases: No.
8. This form has been served on all other parties. Certificate of Service is attached: Yes.
9. Additional information required by local rule: N/A.

Respectfully submitted,

WHITTEN LAW OFFICE LLC



Christopher R. Whitten/20429-49



Matthew K. Phillips/28724-49
Counsel for Defendants

CERTIFICATE OF SERVICE

On May 18, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Michael E. Simmons, Esq.
HUME SMITH GEDDES GREEN
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Nick Bennett, Esq.
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Nick@nickbennettlaw.com



Matthew K. Phillips

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Fax: 317-362-0151
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mphillips@indycounsel.com

STATE OF INDIANA)		MARION SUPERIOR COURT 6
)	SS:	
COUNTY OF MARION)		CAUSE NO.: 49D06-2203-CT-008801
MARLON HAMILTON,)		
)		
Plaintiff,)		
)		
vs.)		
)		
AMO TRUCKING, LLC and)		
MURSAL KULMIE,)		
)		
Defendants.)		

MOTION FOR ENLARGEMENT OF TIME

Defendants, AMO Trucking, LLC and Mursal Kulmie ("Defendants"), by counsel, respectfully request the Court for an enlargement of time of 30 days to respond to the Complaint ("Complaint") of Plaintiff, Marlon Hamilton, and in support thereof, state as follows:

1. On or about May 5, 2022, Defendant, Mursal Kulmie, was served with a copy of the Summons and Complaint via certified mail.
2. According to the Court's online docket, Defendant, AMO Trucking, LLC, has not yet been served with a copy of the Summons and Complaint via certified mail.
3. The time for Defendants to respond to Plaintiff's Complaint has not yet expired.
4. Counsel for Defendants requires additional time to confer with his clients and to prepare an appropriate response to the Complaint.
5. No prior enlargement of time has been requested or obtained.

WHEREFORE, Defendants, AMO Trucking, LLC and Mursal Kulmie, by counsel, respectfully request the Court for an enlargement of time of 30 days up to and including June 27, 2022, in which to respond to the Complaint and for all other just and proper relief.

Respectfully submitted,

WHITTEN LAW OFFICE LLC



Christopher R. Whitten/20429-49



Matthew K. Phillips/28724-49
Counsel for Defendants

CERTIFICATE OF SERVICE

On May 18, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Michael E. Simmons, Esq.
HUME SMITH GEDDES GREEN
& SIMMONS LLP
MSimmons@humesmith.com

Nick Bennett, Esq.
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mphillips@indycounsel.com

STATE OF INDIANA)
)
COUNTY OF MARION)

SS:

MARION SUPERIOR COURT 6
CAUSE NO.: 49D06-2203-CT-008801

MARLON HAMILTON,

Plaintiff,

vs.

AMO TRUCKING, LLC and
MURSAL KULMIE,

Defendants.

FILED

May 18, 2022

CLERK OF THE COURT
MARION COUNTY
BC

ORDER ON DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

This matter came before the Court on Defendants' Motion for Enlargement of Time to Answer Complaint. The Court having been first duly advised, now **GRANTS** the Motion.

IT IS THEREFORE ORDERED that Defendants, AMO Trucking, LLC and Mursal Kulmie, shall have up to and including June 27, 2022, in which to respond to Plaintiff's Complaint.

Date: 5/18/2022



Judge, Marion Superior Court 6

Copies to:

Michael E. Simmons, Esq.
HUME SMITH GEDDES GREEN
& SIMMONS LLP
MSimmons@humesmith.com

Christopher R. Whitten, Esq.
Matthew K. Phillips, Esq.
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Nick Bennett, Esq.
LAW OFFICE OF NICK BENNETT
Nick@nickbennettlaw.com

STATE OF INDIANA)		MARION SUPERIOR COURT 6
	)	SS:	
COUNTY OF MARION	)		CAUSE NO.: 49D06-2203-CT-008801
MARLON HAMILTON,)		
)		
Plaintiff,)		
)		
vs.)		
)		
AMO TRUCKING, LLC and)		
MURSAL KULMIE,)		
)		
Defendants.)		

ANSWER, AFFIRMATIVE DEFENSES AND DEMAND FOR JURY TRIAL

Defendants AMO Trucking, LLC ("AMO") and Mursal Kulmie ("Kulmie") (collectively "Defendants") submit their Answer to Plaintiff's Complaint for Damages, Affirmative Defenses, and Request for Jury Trial as follows:

ANSWER

1. That Hamilton, at all times relevant and material to this action, resided in Marion County, in the city of Indianapolis, State of Indiana.

ANSWER: Defendants are without sufficient information to admit or deny the allegations in Paragraph 1 of Plaintiff's Complaint.

2. That AMO, at all times relevant and material to this action, was a foreign for-profit limited liability company with a principal place of business address in Franklin County, in the city of Columbus, State of Ohio and doing business in Marion County, in the city of Indianapolis, State of Indiana.

ANSWER: Defendants admit the allegations in Paragraph 2 of Plaintiff's Complaint.

3. That Kulmie, at all times relevant and material to this action, resided in Franklin County, in the city of Columbus, State of Ohio.

ANSWER: Defendants admit the allegations in Paragraph 3 of Plaintiff's Complaint.

4. That on August 14, 2021, at approximately 6:43 a.m., Hamilton was operating a white 2004 Pontiac Grand Prix automobile and traveling eastbound in the left-hand lane of Interstate 70 Eastbound nearest the 72.6 mile marker in the County of Marion, City of Indianapolis, State of Indiana.

ANSWER: Defendants admit the allegations in Paragraph 4 of Plaintiff's Complaint.

5. That also at the same time, Kulmie, was the driver of a white 2016 Peterbuilt 579 Semi-tractor, which was traveling eastbound in the right-hand lane of Interstate 70 Eastbound nearest the 72.6 mile marker in the County of Marion, City of Indianapolis, State of Indiana.

ANSWER: Defendants admit the allegations in Paragraph 5 of Plaintiff's Complaint.

6. That at all times relevant and material to this action, the white 2016 Peterbuilt 579 Semi-tractor, which was being operated by Kulmie was owned and registered to AMO.

ANSWER: Defendants admit the allegations in Paragraph 6 of Plaintiff's Complaint.

7. That as Hamilton was traveling as aforesaid, suddenly and without warning, Kulmie entered the left-hand travel lane, which was occupied by

Hamilton and crashed into the vehicle being operated by Hamilton, thereby causing a collision with the vehicle Hamilton was driving.

ANSWER: Defendants deny the allegations in Paragraph 7 of Plaintiff's Complaint.

8. That at said place and time, Kulmie breached the applicable duty of care and was careless and negligent and/or reckless in one or more of the following ways:

- a. He failed to operate his vehicle in a careful and prudent manner;
- b. He failed to keep proper control of his vehicle so as to avoid the collision;
- c. He failed to keep a look out for other vehicular traffic so as to avoid a collision with said vehicle;
- d. He attempted to merge and/or to change travel lanes without first making certain that his intended lane was clear of other vehicles in violation of the Indiana Code;
- e. He made an unsafe lane movement in violation of the Indiana Code;
- f. He was operating his vehicle at an excessive speed such that he was unable to bring his vehicle to a stop and avoid a collision with the vehicle being operated by Hamilton, in violation of the Indiana Code;
- g. He was otherwise careless or negligent which caused the collision with the vehicle being operated by the Plaintiff, Hamilton.

ANSWER: Defendants deny the allegations in Paragraph 8 of Plaintiff's Complaint.

9. That as a result of the collision, Hamilton sustained injuries and was required to engage in the medical care and treatment of doctors, hospitals, therapists and x-ray technicians, thereby incurring medical expenses.

ANSWER: Defendants deny the allegations in Paragraph 9 of Plaintiff's Complaint.

10. That as a result of the injuries sustained causally related to the collision, Hamilton was unable to work for a period of time and thereby lost wages, income and/or time from his employment.

ANSWER: Defendants deny the allegations in Paragraph 10 of Plaintiff's Complaint.

11. That as a result of the collision, Hamilton sustained property damage to the vehicle that he was operating.

ANSWER: Defendants deny the allegations in Paragraph 11 of Plaintiff's Complaint.

12. That due to the negligence and carelessness of Kulmie, as aforesaid, Hamilton, has been damaged.

ANSWER: Defendants deny the allegations in Paragraph 12 of Plaintiff's Complaint.

13. That at all times relevant and material hereto, Kulmie was acting as an employee, agent, servant and/or representative of his employer, AMO.

ANSWER: Defendants admit that at the time of the collision Kulmie was operating a commercial vehicle under the federal operating authority of AMO at the time of the collision. Defendants deny any allegation in

Paragraph 13 of Plaintiff's Complaint inconsistent with the foregoing admission.

14. That AMO is liable to Hamilton, for the negligence and damages caused by the actions of it's [sic] employee, agent, servant and/or representative Kulmie, which were performed within the scope of his agency or employment with AMO through respondeat superior.

ANSWER: AMO admits that vicarious liability principles apply because Kulmie was operating a commercial vehicle under the federal operating authority of AMO at the time of the collision but deny that Kulmie was negligent and therefore denies that he or AMO is liable.

15. That due to the negligence and carelessness of AMO, as aforesaid, Hamilton, has been damaged.

ANSWER: Defendants deny the allegations in Paragraph 15 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiff Marlon Hamilton's negligence exceeds fifty percent (50%) of the total fault attributable for this incident, thereby barring recovery.

2. In the event that it is established that the causal negligence of Plaintiff Marlon Hamilton is 50% or less, Plaintiff's damages must be diminished in proportion to the amount of causal negligence attributable to Marlon Hamilton.

3. Plaintiff may have failed to mitigate his damages.

4. Plaintiff may have received payments from other sources that constitute a collateral source set-off.

5. Defendants are entitled to the protections and reductions in damages pursuant to *Stanley v. Walker*, 906 N.E.2d 852 (Ind. 2009).

6. Plaintiff is not entitled to recover non-economic damages pursuant to IND. CODE § 34-30-29.2-3 and/or IND. CODE §§ 27-7-5.1-1 et seq.

WHEREFORE, Defendants request that Plaintiff takes nothing by way of his Complaint for Damages and for all other just and proper relief in the premises.

DEMAND FOR TRIAL BY JURY

Defendants AMO and Kulmie request this matter be tried by a jury as to all issues.

Respectfully submitted,

WHITTEN LAW OFFICE LLC



Christopher R. Whitten/20429-49



Matthew K. Phillips/28724-49
Counsel for Defendants

CERTIFICATE OF SERVICE

On June 27, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Michael E. Simmons, Esq.
HUME SMITH GEDDES GREEN
& SIMMONS LLP
MSimmons@humesmith.com

Nick Bennett, Esq.
LAW OFFICE OF NICK BENNETT
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